IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1537 OF 2002

Mr.Amulya Awinash Dahanukar ..Petitioner

Vs.

Mr.Uday Ashok Dahanukar
& Anr. ..Respondents

...

Mr.Amol Mhatre i/b Mr.P.K. Dhakephalkar
Advocate for Petitioner
Mr.G.S.Godbole for Respnodent no.1
Ms.S.V.Gajare, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 7,2005

P.C.

1. Heard the learned advocate for the petitioner, learned advocate for respondent no.1 and the learned A.P.P. for the State.

2. The petitioner is seeking quashing of process issued by the learned J.M.F.C. Pune, in C.C.No.275 of 2002. In the said case process is issued under

Sections 120-B and 406 of IPC.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, in my view, it is clear that the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the petitioner prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioner makes a statement that the necessary revision will be preferred within four weeks from today. The learned advocate for the respondent-original complainant makes a statement that they shall not proceed with the trial for a period of four weeks. The learned advocate for the respondent no.2-original complainant fairly states that no objection will be raised in respect of

delay in filing revision.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petition is disposed of.

7. Authenticated copy be issued to the parties.

[V.K.TAHILRAMANI,J.]